

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 33250 of 2019
and WMP.No.33714 of 2019

A.Praveen

..Petitioner

Vs.

1. The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
No.144/800, Anna Salai,
Chennai-600002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kanchipuram Distribution Circle,
Kanchipuram.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the order of the respondent made in Ka.No.753/Nipi2/EeNeVu/Kho.Ba.Ve/2018-1 dated 25.04.2018, to quash the same and to consequently direct the respondents to forthwith consider the claim of the petitioner for appointment on compassionate grounds to any suitable post on merits and on the basis of the representation dated 02.08.2018.

For Petitioner : Mr. L.Chandrakumar
For Respondent : Mr.P.R.Dilip Kumar,

ORDER

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for records relating to the order of the respondent made in Ka.No.753/Nipi2/EeNeVu/Kho.Ba.Ve/2018-1 dated 25.04.2018, to quash the same and to consequently direct the respondents to forthwith consider the claim of the petitioner for appointment on compassionate grounds to any suitable post on merits and on the basis of the representation dated 02.08.2018.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner's father was working as Wireman/Spl.Maintenance/outdoor MRT, Kanchipuram. While in service, the petitioner's father died on 21.04.2007. Immediately, the petitioner's mother made application dated 16.08.2007 seeking compassionate appointment, the same was not accepted by the 2nd respondent and returned quoting the reason that the petitioner was minor at that time. On 22.01.2018 the petitioner has made application to the 1st respondent enclosing all the relevant documents such as Legal heirship certificate, age proof etc., . The said application was also came to be rejected by the 2nd respondent on 25.04.2018 for the reason that the petitioner has not made request within a period of 3 years. Thereafter the petitioner made representation dated 02.08.2018 to the Chief Engineer to consider him for appointment on compassionate grounds. The said representation is still pending without consideration. Hence, challenging the impugned order dated 25.04.2018 and to consider his representation dated 02.08.2018, the present writ petition is filed.

4. Learned counsel appearing for the petitioner has further submitted that immediately after the death of the petitioner's father, his mother made representation in the year 2007. The said application was returned without any endorsement and orally instructed by the respondent that the petitioner was a minor at that time, hence he is not entitled to get appointment on compassionate grounds. Since the said application was returned without any endorsement, the petitioner has made an application after attaining majority i.e in the year 2018. The said application was also rejected. Thereafter the petitioner made representation to the Chief Engineer/1st respondent herein to pass appropriate orders.

5. Mr. P.R. Dilip Kumar, learned Counsel appearing for the respondents submitted that the petitioner's claim was fairly considered by the respondent and and rejected. The learned counsel further submitted that if this Court directs the petitioner to submit a fresh representation, the same would be considered and pass appropriate orders within a time limit as stipulated by this Court.

6. Considering the facts and circumstances of the case, this Court hereby directs the petitioner to submit a fresh representation to the Chief Engineer/1st respondent herein within a period of two weeks from the date of receipt of a copy of this order. The Chief Engineer shall consider the same and pass appropriate orders on merits and in accordance with law after

affording due opportunity to the petitioner, within a period of twelve weeks thereafter.

7. The writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
No.144/800, Anna Salai, Chennai-600002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kanchipuram Distribution Circle,
Kanchipuram.

+1 cc to M/s.P.R.Dhilipkumar,Advocate Sr.No. 99749

+1 cc to M/s.L.Chandrakumar,Advocate Sr.No. 99539

AKM/10.01.2020/3P-5C /

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